


United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. VENUS ASTACIO		DOCKET NO.	
		MAGISTRATE'S CASE NO. 12 - 1029 - M	
Complaint for violation of Title 21, United States Code, § 846 to commit violation of Title 21, United States Code, §841(a)(1), (b)(1)(C);			
NAME OF JUDGE OR MAGISTRATE Honorable LYNNE A. SITARSKI		OFFICIAL TITLE U.S. Magistrate Judge	LOCATION Philadelphia, PA
DATE OF OFFENSE July 5, 2012	PLACE OF OFFENSE 1101 Walnut Street Philadelphia, PA	ADDRESS OF ACCUSED (if known) 1728 South 28th Street Philadelphia, PA 19145	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION. On or about July 5, 2012, in the Eastern District of Pennsylvania, defendant VENUS ASTACIO, knowingly and intentionally attempted to possess with intent to distribute 600 pills containing oxycodone, a schedule II controlled substance, in violation of Title 21, United States Code, Section 846.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED. SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) Jeffrey Ford 	
		OFFICIAL TITLE Task Force Officer, DEA	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE (1) Honorable LYNNE A. SITARSKI, United States Magistrate Judge		DATE 7/5/2012.	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT

I, Jeffrey Ford, having been duly sworn, depose and state the following:

INTRODUCTION

1. I have been employed as a Police Officer with The Upper Moreland Township Police Department since 2006. My current assignment is as a Task Force Officer with the Drug Enforcement Administration Philadelphia Field Division, Tactical Diversion Squad, since June of 2011. My current duties include among other things, the investigation of prescription drug diversion, in violation of Title 21, United States Code, Sections 841(a)(1). I have participated in hundreds of narcotics investigations including investigations into the illegal distribution and manufacture of marijuana, cocaine, ecstasy, heroin and prescription medications. I have received training in narcotics investigations from agencies such as the US Drug Enforcement Administration, Federal Law Enforcement Training Center, The PA Attorney General's Office, The Pennsylvania State Police, Montgomery County District Attorney's office, The Municipal Police Officers Education and Training Commission, and the Institute for Law Enforcement Education. The training courses have covered topics such as prescription drug diversion, drug identification, undercover operations, methods of drug trafficking, methods of concealment of narcotics, the manufacture and production of illegal narcotics, search and seizure, debriefing of confidential sources, drug interdiction and other topics related to the illegal drug trade. I have successfully investigated and prosecuted illegal drug trafficking operations in the past.

APPLICABLE LAWS**The Controlled Substances Act**

2. The Controlled Substances Act governs the manufacture, distribution, and dispensing of controlled substances in the United States. The Controlled Substances Act is contained in Title 21, United States Code, Sections 801-971.
3. Title 21, United States Code, Section 841(a)(1), provides that "Except as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally ... manufacture, distribute, or dispense, or possess with the intent to distribute or dispense, a controlled substance."
4. Title 21, United States Code, Section 846, provides in relevant part that "Any person who attempts... to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt..."


The Investigation


5. On June 25, 2012, a reliable confidential source, hereafter referred to as the CS, came to DEA and provided information on a female subsequently identified as

Venus ASTACIO and her drug trafficking organization. The CS provided that he/she had been selling bulk quantities of Oxycodone 30 mg tablets to ASTACIO for over a year until September of 2011. The CS advised that he/she recently made contact with ASTACIO and that ASTACIO asked the CS to provide her with as many Oxycodone tablets as possible.

6. On June 27, 2012, the CS placed a recorded telephone call to ASTACIO. ASATCIO and the CS negotiated a transaction for 600 Oxycodone 30 mg tablets in exchange for \$6000 and ASTACIO agreed to provide the CS with an extra \$100 for providing the tablets.
7. On July 5, 2012, the CS placed a recorded telephone call to ASTACIO. They agreed to meet this same day at 1 p.m. at the Wendy's Restaurant located at 1101 Walnut Street in Philadelphia, PA, 19107.
8. The CS was provided with 600 placebo Oxycodone 30 mg tablets by DEA Agents for the transaction. At approximately 1 p.m., the CS was dropped off at the Wendy's and was kept under constant surveillance by DEA Agents. The CS entered the WENDY's at 1101 Walnut Street and was observed meeting with ASTACIO who was already present and waiting.
9. The CS sat at a table with ASTACIO and conducted the transaction. The CS gave ASTACIO the 600 placebo Oxycodone 30 mg tablets. ASTACIO gave the CS \$6100 in U.S. currency. The CS then left the restaurant where he/she was met by your affiant who recovered the \$6100 in U.S. currency concealed in a Wendy's bag.
10. DEA Agents then took ASTACIO into custody. ASTACIO was holding the 600 placebo Oxycodone 30mg tablets in a shopping bag in her hand just outside of the restaurant.
11. In a post Miranda Statement ASTACIO advised that she purchased the oxycodone tablets for the purpose of re-selling them to several of her customers in New Jersey for \$14-\$15 a tablet.

Sworn to and subscribed
Before me this 5th day
Of July, 2012.


HONORABLE LYNNE A. SITARSKI
United States Magistrate Judge


JEFFREY T. FORD
Task Force Officer
Drug Enforcement Administration